

REMARKS

The Examiner rejected claims 1-4, 6-9, and 11-19 under 35 U.S.C. §103(a) as being unpatentable over Stevens in view of Telepko. This portion of the Office Action states:

"The examiner takes Judicial notice that starting a jump rope session and may other exercise and sport sessions by saying or counting 1-2-3 is known in the art."

For purposes of appeal, the Applicant requests clarification on whether the Examiner is providing an additional ground of rejection based on Judicial notice. Clarification in an Advisory Action is requested.

Respectfully submitted,

IRELL & MANELLA LLP

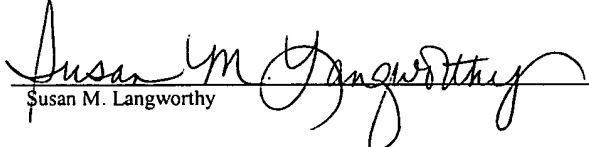
Dated: November 28, 2006


Ben J. Yorks, Reg. No. 33,609

840 Newport Center Drive
Suite 400
Newport Beach, CA 92660-6324
(949) 760-0991

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:
Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450 on November 28, 2006


Susan M. Langworthy